

COMMONWEALTH OF KENTUCKY

BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

REQUEST FOR CONFIDENTIAL TREATMENT OF	)	
CINCINNATI SMSA LIMITED PARTNERSHIP'S	)	
1994 ANNUAL REPORT AND REPORT OF GROSS	)	CASE NO. 95-140
OPERATING REVENUES DERIVED FROM INTRA-	)	
KENTUCKY BUSINESS FOR THE YEAR ENDING	)	
DECEMBER 31, 1994	)	

O R D E R

This matter arising upon petition of Cincinnati SMSA Limited Partnership ("Cincinnati SMSA"), filed June 29, 1995, pursuant to 807 KAR 5:001, Section 7, for confidential protection of its 1994 Annual Report and Report of Gross Operating Revenues on the grounds that the information is competitively significant, and it appearing to this Commission as follows:

Cincinnati SMSA, a telecommunications public utility furnishing service in this state, has filed its 1994 Annual Report and Report of Gross Operating Revenues. The report consists of 1994 revenues, expenses, net investment, ownership percentages, and number of customers. Cincinnati SMSA seeks to protect that information from public disclosure.

The information sought to be protected is not known outside of Cincinnati SMSA and is not disseminated within Cincinnati SMSA except to those employees who have a legitimate business need to know and act upon the information. Cincinnati SMSA seeks to preserve and protect the confidentiality of the information through all appropriate means.

KRS 61.872(1) requires information filed with the Commission to be available for public inspection unless specifically exempted by statute. Exemptions from this requirement are provided in KRS 61.878(1). That subsection of the statute exempts several categories of information. One category exempted in paragraph (c)1 of that subsection is commercial information confidentially disclosed to the Commission which if made public would permit an unfair commercial advantage to competitors of the party from whom the information was obtained. To qualify for the exemption, the party claiming confidentiality must demonstrate actual competition and a likelihood of substantial competitive injury if the information is disclosed. Competitive injury occurs when disclosure of the information gives competitors an unfair business advantage.

Cincinnati SMSA competes with other telecommunications carriers such as BellSouth Telecommunications, Inc., Contel Cellular of Kentucky, Inc., and Southern Ohio Telephone Company. Cincinnati SMSA maintains that disclosure of the information would assist such competitors in pricing and marketing their similar services. The information, however, is presented in summary form and does not contain sufficient detail to have significant competitive value. Therefore, no competitive injury from disclosure of the information has been established and the petition should be denied.

This Commission being otherwise sufficiently advised,

IT IS ORDERED that:

1. The petition to protect as confidential Cincinnati SMSA's 1994 Annual Report and Report of Gross Operating Revenues is hereby denied.


2. The information sought to be protected shall be held and retained by this Commission as confidential and shall not be open for public inspection for a period of 20 days from the date of this Order, at the expiration of which it shall be placed in the public record without further Orders herein.

Done at Frankfort, Kentucky, this 14th day of July, 1995.

PUBLIC SERVICE COMMISSION

  
Chairman

  
Vice Chairman

  
Commissioner

ATTEST:

  
Executive Director